

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

CORKY TERRY,

Plaintiff,

v.

NATHAN MAUE, *et al.*,

Defendants.

Case No. 10-cv-370-JPG-PMF

**MEMORANDUM AND ORDER**

This matter comes before the Court on the Report and Recommendation (“Report”) (Doc. 79) of Magistrate Judge Philip M. Frazier recommending that the Court grant the defendants’ motion for partial summary judgment (Doc. 44) and enter judgment at the conclusion of the case on Count 3 against plaintiff Corky Terry and in favor of defendants Nathan Maue and Major Maue, and on Count 5(b) against Terry and in favor of defendants Jeanette Cowan, Donald Hulick, and Roger Walker.

The Court may accept, reject or modify, in whole or in part, the findings or recommendations of the magistrate judge in a report and recommendation. Fed. R. Civ. P. 72(b)(3). The Court must review *de novo* the portions of the report to which objections are made. *Id.* “If no objection or only partial objection is made, the district court judge reviews those unobjected portions for clear error.” *Johnson v. Zema Sys. Corp.*, 170 F.3d 734, 739 (7th Cir. 1999).

The Court has received no objection to the Report. The Court has reviewed the entire file and finds that the Report is not clearly erroneous. Accordingly, the Court hereby **ADOPTS** the Report in its entirety (Doc. 79), **GRANTS** the defendants’ motion for partial summary judgment (Doc. 44) and **DIRECTS** the Clerk of Court to enter judgment accordingly at the close of the

case. The following claims remain for trial:

Count 1: against Nathan Maue for excessive use of force

Count 2: against Nathan Maue and Major Maue for deliberate  
indifference to serious medical needs

**IT IS SO ORDERED.**

**DATED: June 13, 2012**

s/ J. Phil Gilbert  
**J. PHIL GILBERT**  
**DISTRICT JUDGE**